

Michigan State Waterways Commission  
Minutes of March 28, 2008

Special Meeting Regarding Eight Point Lake in Clare County  
Minutes of the Meeting of  
Michigan State Waterways Commission  
March 28, 2008

Department of Natural Resources  
Stevens T Mason Building  
1921 Conservation Conference Room  
Lansing, Michigan

A special meeting of the Michigan State Waterways Commission was called to order by Chairperson Carol Oakley at 9:08 a.m. on Friday, March 28, 2008, at the Department of Natural Resources, 1921 Conservation Conference Room, Lansing, Michigan. The following Commissioners were present:

Carol Oakley, Chairperson  
Bob Brown  
Mike Bryanton  
Janet Mansfield

Commissioner Denny Bailey participated via conference call.

Commissioners Bryan Amann and Curtis Hertel were excused.

Public Appearances:

There were no public appearances for non-agenda items.

Minutes:

**February 15, 2008**

Commissioner Bob Brown moved to table approval of the minutes from the February 15, 2008 Waterways Commission meeting to the April 18, 2008 meeting. The motion was seconded by Commissioner Mansfield and approved unanimously.

Update On Pending Litigation:

Mr. Michael Reilly of the Attorney General's Office, provided an update on pending litigation regarding Grayhaven Marina in the City of Detroit. Mr. Reilly stated that the State of Michigan (State) acquired the property in the late 1970's by purchasing it from the City of Detroit, at a cost (for several parcels) of around \$800,000. State property is not taxable, however the City decided that it was subject to taxation. In June of 1989 the State Treasurer sold the property back

from the State of Michigan, in error. It came back to the State and in March of 1993, the Department of Natural Resources deeded the property back to the City of Detroit for a nominal value (as a tax-reverted property). This should not have occurred since it was State owned property. About four years later, the City sold a portion of the property to Grayhaven Estates, which built \$300,000 to \$400,000 homes on it, and the City retained the rest. The State cannot divest itself of property it owns, so the Attorney General has brought action to seek the return of the property title.

### Eight Point Lake

#### **Report on March 13, 2008 Meeting with the Lake Association**

Mr. William Boik and Mr. Scott Dice (from the Parks and Recreation Division's District Office in Cadillac) provided a review and PowerPoint presentation summarizing the March 13, 2008 meeting with the Lake Association. Mr. Dice indicated that it was a very productive meeting and a good starting point in working with local residents. Attendees were provided with a handout, which included answers to a list questions regarding the proposed boating access site. The concept plan for the site was also reviewed.

Conservation Officer Jon Wood of Clare County stated that there is not a big difference between Crooked Lake, which has a boating access site, and Eight Point Lake. The access site at Crooked Lake is generally not full other than on holiday weekends. He has never received a complaint regarding fights, drugs, or parties at any access site in the ten years he's worked in the County.

Mr. Dice indicated that there are two owners for the eight lots. If the lots were sold individually the property could have the same number of boats as the potential access site would on a full day. The Lake Association has been stocking the lake and members are concerned about the fish. Mr. Jim Baker (Fisheries Manager for the Southern Lake Huron Fisheries Unit, based in Bay City) has responsibility for Eight Point Lake. A survey would be conducted as a first step. He believes Eight Point Lake is a good candidate for the Department's walleye program. Typically this would occur once every three years and three times over a period of nine years. Staff would how to continue at the end of nine years. The Department's walleye plan provides approximately 50 spring fingerlings planted per acre. The Lake Association also plants panfish and could continue to do so as long as the fish are from a certified disease-free source.

Mr. Dice stated that staff will work with the adjacent neighbors to the site, John and Lyla Bishop. At this proposed site, there is a neighbor only to the west. Chairperson Oakley asked a question regarding on-going communication. Mr. Dice indicated that the point of contact for the Lake Association is its President; Mr. Jim Carrigan. The Department's point of contact is Mr. Eric Fransen, the Unit Manager. Last night, Representative Tim Moore called a town meeting and many of the same questions were raised.

Commissioner Bryanton said that he had been concerned about moving forward. He thanked staff for taking the extra time and extra effort to address people's concerns on Eight Point Lake. His concerns have been addressed. This is not a private lake and it belongs to the people of the State of Michigan.

Chairperson Oakley stated that this is the second meeting the Commission has heard concerns on the proposed boating access site on Eight Point Lake. Commissioners and staff have also read a great deal of correspondence and provided a synopsis of the 41 questions that were addressed at the meeting with the Lake Association. She requested that anyone who has not previously spoken or sent a letter to the Commission limit their remarks to one minute.

The following individuals addressed the Commission regarding the proposed boating access site on Eight Point Lake: Mr. Kelley Bartlett, Ms. Jackie Morgan, Mr. Jan Folkens, Ms. Sandra Jeffrey, Ms. Lyla Bishop, Ms. Debbie Pavlak, Mr. Jim Carrigan, Ms. Carole Forton, Mr. Kevin Geary, Ms Susan Bejin, and Ms. Connie Heintz.

Concerns included:

- Public safety;
- Public deserves to hear about process;
- Irresponsible use of money;
- Already public access so why add more;
- Boating access site is not needed;
- Poor economy;
- Invasive species;
- Density of population on lake;
- Future maintenance of the project;
- Expense of the project;
- Department staffing;
- Environmental concerns about wetlands;
- Property values;
- Safety of children;
- High usage of lake will mean property owners won't be able to use it;
- No other facilities to use;
- Safety of the surrounding roadways;
- Dredging will cause damage to spawning areas;
- Danger to nesting loons;
- Thought Waterways Commission meeting on Eight Point Lake was delayed until April;

Representative Tim Moore held a public meeting last night on the proposed boating access site on Eight Point Lake. Mr. Jason Wadaga (aide to

Representative Moore) stated that the Representative has concerns about a number of items including fish planting (he felt that was sufficiently addressed), the cost of the project, law enforcement because of increased boating, and the possibility of the introduction of invasive species.

Commissioner Bryanton stated that he had requested this item be adjourned until the April meeting; however the option on the property was due to expire April 23, 2008. A special meeting was called so the Waterways Commission could act in a timely manner.

MOTION: Commissioner Bryanton moved to approve the resolution to move forward on the proposed Boating Access Site on Eight Point Lake. The motion was seconded by Commissioner Mansfield. Chairperson Oakley called for a roll call vote. Commissioner Bryanton: yes; Commissioner Mansfield: yes; Commissioner Brown: yes; Commissioner Oakley: yes; and Commissioner Bailey: yes (via telephone). The motion was unanimously approved.

Other Business:

Mr. Stephen Hume spoke to the Commission regarding Grayhaven Marina and provided pictures, which will be mailed to the Commissioners. He believes one side of the canal should be deeded to the State and will follow up with a letter to the Attorney General. Mr. Olson stated that the future of the property can be discussed after the legal issues are resolved.

MOTION: Commissioner Mansfield moved to adjourn this special meeting of the Michigan State Waterways Commission. The motion was seconded by Commissioner Brown and it carried unanimously. The meeting was adjourned at 10:17 a.m.

The next regular meeting will be held in the Lansing area on Friday, April 18, 2008, with a Facilities, Operations/Policy and Boating Access Committee meeting at 9:00 a.m. and the Waterways Commission meeting at 10:00 a.m.